

Ansel Halliburton

From: Jack Russo
Sent: Wednesday, November 27, 2013 12:29 PM
To: Glenn.Westreich@haynesboone.com; aimee.furness@haynesboone.com
Cc: Ansel Halliburton; Eric Young
Subject: AFD: Proposed Joint Motion....
Attachments: AFD Joint Motion to File Concise Cross-Motions for Summary Judgment.docx

Glenn,

As we discussed (and you told me you would give it some thought), please let me know today if you can agree to this Joint Request for leave to file cross-motions. In fact, there is now a second Ninth Circuit case (Hana) which should also be brought to the Court's attention. It seems to me to be far better that we do this now than have lengthy "in limine" motions. My view is that our respective views here can be done in less than 5 pages.

Let me know if you agree and we can get this filed with the Court today. If not, we will file our own motion asking for this leave in which case, of course, you can oppose but to me the better outcome would be to have you join and then file whatever cross-motion position you wish on this on these two very recent (just this month) Ninth Circuit cases. Please advise.

Happy Thanksgiving!

Best Regards,
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